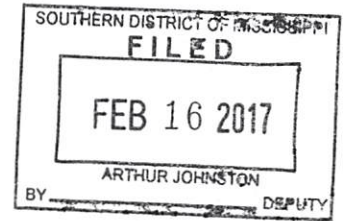


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



RAJWINDER SINGH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-cr-106 CWR-FKB

BALBIR SINGH D/B/A
ELLIS AVENUE FOOD & GAS

DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

COMES NOW, Plaintiff, Rajwinder Singh, by and through counsel of record and files this action to recover damages for violations of his rights under the Fair Labor Standards Act against Defendant, Balbir Singh d/b/a Ellis Avenue Food & Gas. In support of this cause, the Plaintiff would show unto the Court the following facts, to-wit:

PARTIES

1. Plaintiff, Rajwinder Singh, is an adult resident citizen of Hinds County, Mississippi.
2. Defendant, Balbir Singh d/b/a Ellis Avenue Food & Gas, is an adult resident citizen of 678 Hazelton Drive, Madison, Mississippi 39110 and may be served with process at his residence address or at Ellis Avenue Food & Gas, 1208 Ellis Avenue, Jackson, MS 39209.

JURISDICTION AND VENUE

3. This Court has federal question jurisdiction and venue is proper pursuant to 29 U.S.C. § 216(b).

STATEMENT OF FACTS

4. Plaintiff was employed with the Defendant for the past 11 years. Plaintiff was hired by the Defendant as a store clerk in 2005. Plaintiff worked seven (7) days a week with a minimum shift

of 12 hours per day. Plaintiff was not paid any overtime during his 11 years. Plaintiff was paid a flat monthly salary of \$925.00.

5. The Defendant failed to pay Plaintiff minimum wages and proper overtime compensation in violation of FLSA.

6. Plaintiff received a monthly check of \$925.00 and worked far in excess of 40 hours per week. Plaintiff did not receive minimum wage compensation. Plaintiff routinely worked overtime, this unpaid time results has resulted in Plaintiff being denied proper overtime compensation.

COUNT I.
VIOLATION OF THE FAIR LABOR STANDARDS ACT (FLSA)

7. Plaintiff was a non-exempt employee and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiff was entitled to overtime pay for all overtime hours worked.

8. The Fair Labor Standards Act requires that employees be paid minimum wage of \$7.25 per hour. The Fair Labor Standards Act also requires that employees be paid overtime premium at a rate not less than one and one-half (1 ½) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

9. Plaintiff has not been paid minimum wage under the Fair Labor Standards Act.

10. Plaintiff has not been paid overtime compensation under the Fair Labor Standards Act at a rate of one and one-half his regular rate of pay.

11. The acts of the Defendant constitutes a willful and intentional violation of the Fair Labor Standards Act.

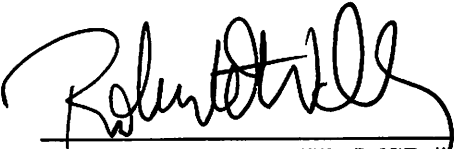
WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing

of this matter by a jury, the Plaintiff will be granted the following relief in an amount to be determined by the jury:

1. Back pay;
2. Front pay;
3. Overtime wages;
4. Liquidated Damages;
5. Attorney Fees;
6. Costs and Expenses; and
7. Other Relief to which he may be properly entitled.

Respectfully submitted this 16th day of February, 2016.

RAJWINDER SINGH, PLAINTIFF

BY: 
ROBERT O. WALLER (MSB #6912)

OF COUNSEL:

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